

The Maryland Board of Pharmacy Draft Public Minutes - December 16, 1998

President David Russo called the public meeting to order at 8:45 A.M. At 10:45 A.M. President Russo recessed the public meeting at which time the Board entered into the executive session to discuss an issue requiring an immediate Board vote. The public meeting reconvened at 11:00 A.M. In attendance were Commissioners W. Irving Lottier, Secretary, Wayne Dyke, Barbara Faltz Jackson, Melvin Rubin, Donald Yee, Ramona McCarthy Hawkins, Stanton Ades, Jeanne Gilligan Furman and Laura Schneider; Board Counsel, Paul Ballard; Board Staff, David Denoyer, Cheryl Cresic and Executive Director Norene Pease. Commissioners Raymond Love and Rev. William Johnson were excused and absent from the meeting.

Guests present include:

Catherine Crowley, MD Hosp. Assoc.
Howard Schiff, MPhA
Dorothy Levi
Gilbert Cohen, PEAC
Nathan Gruz

President Russo requested that any member of the Board with a conflict of interest relating to an item on the agenda should notify the Board at this time.

There were no conflicts reported.

Approval of Minutes

Melvin Rubin motioned for acceptance of the November 18, 1998 public minutes as amended. Laura Schneider seconded the motion and all Board members unanimously approved. Corrections are as follows: Page 3 "add MPJE". Page 5, last paragraph, add the word "recused".

Executive Director's Report/Executive Committee Report

The Community and Public Health Administration have developed a draft declaratory ruling to be reviewed and approved by the Board of Physician Quality Assurance on Registered Nurse Dispensing Prescription medications in local health departments. The Board prepared and forwarded to Dr. Matuzak its comments.

Norene Pease reported that no action has been taken on the declaratory ruling. Ms. Pease stated that the Administration had not yet reviewed the Board's comments. Ms. Pease requested a meeting with representatives from CPHC to discuss the proposal.

Norene Pease reported the Executive Committee meeting with University of Maryland, School of

The Maryland Board of Pharmacy Draft Public Minutes - December 16, 1998

Pharmacy will tentatively be held on January 28, 1998 at 8:00 A.M. Ms. Pease requested that Wayne Dyke attend the meeting because one of the agenda items is a discussion of changes in the examination schedule.

Committee Reports

Licensing Committee

Reciprocity - Commissioner Wayne Dyke reported that there were 17 reciprocity candidates and a motion was made by Wayne Dyke and seconded by Barbara Faltz Jackson, that all candidates be approved for licensure with the exception of Wayne A. Allard, Nicole J. Andrews, Evelyn I-Ling Huang, Lien B. Iljas, Noland Peterdy, Andrea E. Pope, David J. Pouchan, Kenneth R. Reed and Carolyn Stanley-Salters who will be licensed when the Board receives their Oral English competency certificates. The motion was approved. The candidate names are: Wayne A. Allard, Nicole J. Andrews, Evelyn I-Ling Huang, Lien B. Iljas, Diane C. Juda, Helen Kim, Kevin J. Montavon, Rashid O. Nimale, Todd F. Norris, Denise P. Paradis, Noland Peterdy, Andrea E. Pope, David J. Pouchan, Kenneth R. Reed, Carolyn Stanley-Salters and Jennifer K. Thomas.

Mr. Dyke reported that the NABP has requested that State Board determine if they intend to offer Disease State Management Examinations in their state. There was extensive Board discussion on the topic and President Russo suggested that the Licensing Committee hold a meeting to develop a Board position on the subject. Mr. Dyke agreed to hold a meeting to further discuss it and make recommendations to the Board.

Commissioners Furman and Yee will report on proposed changes to the format of the Laboratory Examination at a later date.

David Russo stated that Nicole J. Andrews was listed two times on the reciprocity candidates list, so the total would be 16 instead of 17.

Legislative Committee

Strategic Planning for the Future of Pharmacy Practice

Norene Pease reported that the group is still meeting and collecting information therefore, they are not ready to make a report at this time. The next meeting will be December 17, 1998 and issues regarding future strategy and policy development will be discussed. There is no established time frame for reporting recommendations for how to proceed with future legislation.

Ms. Pease stated that staff is working on amendments to Title 12 that would be clarifying in

The Maryland Board of Pharmacy Draft Public Minutes - December 16, 1998

nature including such items as permitting pharmacists licensed in Florida and California to reciprocate to Maryland. Melvin Rubin motioned that the statutory revision bill be referred to the Executive Committee for approval and that Board staff then proceed to find a sponsor. Barbara Faltz Jackson seconded the motion. Ms. Pease stated this bill needs to be finalized by mid January. She suggested a teleconference could be held with the Executive Committee to discuss the issues.

Regulation Update

Norene Pease reported that the Electronic Transmission and Code of Conduct regulations have been approved by the Department and are on the way to AELR for final review and approval. She stated that Kate Rivelois reported that AELR would cease to review regulations earlier this session and would probably approve the Board's Code of Conduct regulation and delay the review of electronic transmission until spring.

Ms. Pease also reported that the Fee regulation change for manufacturers and distributors was finalized and is in effect.

Assisted Living Regulations - Stanton Ades reported a response from Carol Benner was received addressing the April letter the Board sent. Ms. Benner's letter thanked the Board for the comments and interest in the regulations and stated that they would encourage, but not require, pharmacists to be involved in the training of those involved with the administration of medication in assisted living facilities. Commissioner Rubin stated that he would attend the public hearing on December 17, 1998 and David Denoyer also stated he would try to attend. Commissioner Rubin stated that some changes in the regulations that the Board recommended have been made by the Licensing and Certification Administration.

Commissioner Furman conveyed that she has concerns about the lack of supervision provided for persons administering medications in assisted living settings. Commissioner Jackson also expressed concern with unlicensed individuals involved in medication administration.

David Denoyer stated that once the regulations are initially promulgated there will be other opportunities for the Board to work toward improving them.

President Russo at 10:45 A.M. recessed the public meeting for 15 minutes to discuss with the Board an issue pertaining to the Executive session which needed an immediate vote. President Russo reconvened the public session at 11:00 A.M.

PEAC (Pharmacists Education and Assistance Committee) Update

The Maryland Board of Pharmacy Draft Public Minutes - December 16, 1998

Mr. Gil Cohen reported on PEAC's recommendation for the revision to the pharmacist renewal application. PEAC recommends that a pharmacist may answer no, to the question of any problems associated with addictions when the pharmacist is currently in compliance with a Pharmacist Rehabilitation contract.

Mr. Cohen also reported that he was disappointed that the balance of funds from the Board for the last fiscal year could not be used by the committee in the current fiscal year because the Committee had attained a private non profit status requiring that the State competitively bid for the services of a pharmacist rehabilitation committee. He stated that the DHMH Contract Office and the Board had not yet issued the request for proposal for services from the pharmacist rehabilitation committee and PEAC would run out of funds on February 1, 1999. He told the Board that he would personally fund the PEAC if this occurs. Ms. Pease informed the Board that further steps concerning the contract are being taken.

Melvin Rubin motioned that the Board alter the pharmacist renewal application question number one to read," Have you been addicted to the use of drugs or alcohol with the result that your ability to practice your profession has been impaired? (You may respond no if you are currently in compliance with a contract with the pharmacist rehabilitation committee recognized by the Board.) Donald Yee seconded the motion. The Board unanimously agreed.

Ms. Pease stated that she would work with the Licensing Unit to implement this new renewal application question as quickly as possible.

Pharmacy Practice Committee

Task Force on Pharmacy Support Staff - Melvin Rubin reported that a policy statement on the use of pharmacy support personnel should be developed and approved by the Board. Mr. Rubin stated that the Board should work toward regulatory changes needed to fully enforce the Policy Statement. He also stated that if the Board has concerns with the statement he will take those concerns back to the Task Force for consideration. Commissioner Rubin recommended that the policy statement read under the supervision of the pharmacists, omit the word direct. Direct supervision could be misinterpreted if it is not defined.

The policy statement is as follows:

1. Pharmacists and pharmacy supportive personnel should be easily identifiable to patients by means such as name badges, variations in uniforms or other recognizable methods. Supportive personnel should be identified by their specific duties in the pharmacy such as clerk, cashier, or any other terminology used at that site. A written job description should delineate the specific duties for each category.

The Maryland Board of Pharmacy Draft Public Minutes - December 16, 1998

2. The pharmacist is responsible for the accuracy and, to the extent of the information available to the pharmacist, the appropriateness of the drugs or devices dispensed, and the counseling offered. Any functions performed by supportive personnel must be done under supervision of the pharmacist.
3. The pharmacist and the permit holder are accountable for utilizing support personnel who have been adequately trained and are capable of performing their duties. They are also responsible for having a quality assurance program to monitor the accuracy and continued competency of supportive personnel.
4. Pharmacists may not delegate any of the following duties:
 - A. The assurance of appropriateness of the prescription order and accuracy of the prescription.
 - B. Accepting original prescription orders transmitted orally.
 - C. Providing pharmaceutical care as defined in Title 12-101.

Melvin Rubin asked for approval of the report of the committee. Commissioner Lottier motioned for approval, seconded by Stanton Ades. All Board members approved.

Commissioner Rubin motioned for approval of the policy statement as written with the word direct removed. Laura Schneider seconded the motion. All Board members approved and accepted the Policy Statement.

Pharmacy Security - David Denoyer reported that at the December 2, 1998 meeting changes were made regarding the pharmacy security proposal. He stated that Kate Rivelois, Regulations Coordinator, currently has the proposed changes to the security regulations for review and comment on format. Mr. Denoyer hopes to have Ms. Rivelois changes for the January Board meeting.

Patient Confidentiality - David Denoyer reported on the possibility of sending another letter to CareMax asking what information goes to a permit holder and what information would be destroyed. This information would then be used for a legislative proposal to improve the treatment of confidential prescription information.

Commissioner Russo referred this issue to the committee to review the legislation and Paul Ballard stated the Board will get the research report done by his legal intern on Patient Confidentiality at next months Board meeting.

Robotics Task Force - Commissioner Furman stated that the next meeting will be on December 17, 1998 at 8:30 A.M. in Room 215. Discussions will include how robotics are applied in

The Maryland Board of Pharmacy Draft Public Minutes - December 16, 1998

different practice settings and making sure quality checks are taking place.

The next Practice Committee meeting is scheduled for January 6, 1999.

Budget Committee - No report was given concerning the Budget Committee.

Public Relations Committee/Counsel of Boards Report

Barbara Faltz Jackson reported efforts to get the contract for the media campaign are progressing with Ms. Banks writing the revisions to the request for proposals.

Counsel of Boards - Legislative Committee Report on Project Reserve Legislation and Staff Reclassifications - Commissioner Jackson reported that the entire Counsel of Boards support the legislation to establish a project reserve fund. A meeting was held with Senator Hoffman and Delegate Rosenberg who recommended that the Council of Boards work with the DHMH Personnel Administration to address issues associated with the recruitment and retention of qualified personnel for the Boards.

Ms. Pease stated that a meeting with the new legislative analyst will be held in January. Additionally, Barbara Faltz Jackson would like to invite the Board to the legislative reception the Council of Boards is planning in January all Board members will get a personal invitation.

Follow - Up Letters - No discussions were held concerning Follow-Up Letters.

Melvin Rubin suggested that a meeting calendar for 1999 should be distributed to the members of the Board. David Denoyer volunteered to assemble one.

Jeanne Furman spoke about the technology showcase and suggested that a letter be written to PYXIS and ADDS thanking them for their participation in the showcase. Commissioner Furman expressed concern about the Department's lack of attention to problems associated with the logistics of the show and providing adequate space for selected vendors.

President Russo adjourned the public meeting at 10:25 A.M.

Respectfully Submitted,

W. Irving Lottier, Jr.
Secretary